MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

MARCH 21, 2017

INVOCATION:
Pastor Dave Brogren, of Heritage Presbyterian Church, gave the Invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Waterfield led the Pledge of Allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino.

STAFF MEMBERS PRESENT
Deputy City Manager Stilwell, City Attorney Trujillo, Director of Human Resources & Records Anderson, Fire Chief Champion, Director of Finance Harvey, City Librarian Housel, Police Chief Martin, Director of Community Development Ng, Director of Recreation & Parks Posada, Director of Utilities Springer, Public Works Operations Manager Dupuis, Assistant City Attorney Mollenkopf, and Chief Deputy City Clerk Garietz.

1. PROCLAMATIONS:

A. PROCLAMATION – AG DAY
Councilmember Boysen presented a proclamation in honor of Ag Day (March 21st). Roberta Alderete and Alexandra Allen accepted the proclamation on behalf of the California Women for Agriculture and Main Street & Fresh Way Farms.

2. PUBLIC COMMENT PERIOD
Pati Cantu, representing Santa Maria Valley Youth Soccer Association, expressed concern that the circus is scheduled to come to town at the same time the soccer season is kicking off.

Ramon Ramirez, President of the Santa Maria Valley Youth Soccer Association, also expressed concern over the conflicting schedules of the circus and soccer season.

Mayor Patino asked Director of Recreation & Parks Posada to work with Ms. Cantu and Mr. Ramirez.

Ernest Armenta spoke against utility rate increases and dividing the City into districts for district-based elections.

3. CONSENT CALENDAR:
Councilmember Waterfield announced she would abstain from voting on Item 3D (Warrants) due to a financial conflict of interest.

Consent Calendar Items 3A through 3F (except Item 3D) were approved, on motion by Councilmember Boysen, seconded by Councilmember Cordero, and carried on the following vote: 5-0

AYES:	Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Consent Calendar Item 3D (Warrants) was approved on motion by Councilmember Boysen, seconded by Councilmember Moats, and carried on the following vote: 4-0-1

AYES:	Councilmembers Boysen, Cordero, Moats, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	Councilmember Waterfield

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the regular Meeting of the City Council of March 7, 2017, were approved as submitted.

C. MEMORANDUM OF UNDERSTANDING AND WAGE/BENEFIT PACKAGE
Resolution No. 2017-34 was adopted approving the City's salary schematic.

Resolution No. 2017-34 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING UPDATED CITY OF SANTA MARIA SALARY SCHEMATIC.

D. WARRANTS
Warrant Nos. 206048 to 206340 totaling $1,352,719.02 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Finance. Warrant Nos. 203942, 205098, 205574, 205766, 205843, 205854, and 206041 were cancelled.

E. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Finance and having been approved for payment by the Director of Finance.

F. WEED ABATEMENT PROGRAM 2017
Resolution No. 2017-35 was adopted declaring weeds a nuisance, setting a public hearing for April 18, 2017, to consider any objections or protests to the abatement program, and commencing proceedings for the 2017 Annual Weed Abatement Program.

Resolution No. 2017-35 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DECLARING THAT NOXIOUS OR DANGEROUS WEEDS GROWING UPON OR IN FRONT OF THE LISTED PROPERTY, AND RUBBISH, REFUSE AND DIRT COLLECTED UPON OR IN FRONT OF THE LISTED PROPERTY CONSTITUTE A PUBLIC NUISANCE WHICH MUST BE ABATED, AND COMMENCING PROCEEDINGS FOR THE ABATEMENT OF THESE NUISANCES PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

4. CENTRAL COAST COLLABORATIVE ON HOMELESSNESS SEMI-ANNUAL REPORT. Assistant City Attorney Mollenkopf introduced Chuck Flacks, Executive Director of C3H, who gave a presentation as detailed in the Council Agenda Report. Mr. Flacks explained that the recent Point-in-Time Count was a County-wide mandated study from the Department of Housing and Urban Development. Approximately 400 volunteers helped with the census. The Santa Maria Police Department participated by coordinating ride-alongs with some of the volunteers allowing them to collect data on some segments of the homeless population that might otherwise have been hard to locate. The total number of homeless in the County was determined to be 1,489 people. This number is consistent with the population numbers from the last eight years. Many people and children living on the street can find shelter through Good Samaritan Shelter in the North County and Transition House in the South County. Significant increases were seen in the cities of Lompoc and Goleta. C3H believes between 50 and 100 people in Lompoc have been avoiding the bi-annual counts and have been living on the streets for decades. These individuals were counted this year which may account for the increased number this year.

Mr. Flacks described C3H as a very small organization of four full-time staff, a couple of Americorps volunteers, and a Policy Council of elected representatives. The organization conducts its business based on three strategies of dealing with its homeless clients: housing first, housing ready, and re-unification with family or employment or services. Currently they have ten clients, five of whom are housed, one in a shelter, two on the streets receiving weekly visits by staff, and two being case-managed for housing retention. C3H has developed relationships with care and referral centers in the County, Domestic Violence Solutions, Good Samaritan, Marian Medical Center, the City of Santa Maria Police Department, and the Salvation Army.

Goals for next year include a *10 Now Santa Maria Program* based on the San Luis Obispo *50 Now Program* that has successfully housed approximately 75 homeless residents, thus reducing the number of police and emergency service calls and saving the City money. Using a Dignity Health Community Grant of $76,000, Mr. Flacks explained that C3H plans to partner with Marian Regional Medical Center, Supervisor Lavagnino, the Santa Barbara County Housing Authority & Public Health Agencies, along with Transitions Mental Health Agency, and many other organizations to place at least ten homeless residents into housing this next year.

To get the project started, C3H hired a new case manager, Andrea Sneed (formerly homeless and a Veteran); developed a Vertical Change shared-data program to assist with the collaboration; plans to

develop a clearly stated MOU with other partners; and hopes to house up to 20 people in the next year. Mr. Flacks closed his presentation saying that the new partnerships being formed should prove valuable in applying for and securing State funding. He added that C3H is financially unsustainable and has chosen to follow the example of Los Angeles and other larger cities that work the business to grow the resources that support homeless services. C3H plans to sit down with representatives in Los Angeles to learn how they approached the strategy that worked so well for them.

Councilmember Boysen commented on the impact C3H makes reducing the number of homeless individuals in the community, thus reducing the costs to the hospital both financially and with regard to staffing resources. He also thanked the organization for all of their work.

Mr. Flacks commented that, according to the Santa Maria Police Department, 60 percent of police calls during the day in Santa Maria were homelessness-related.

Councilmember Moats asked what will happen to the homeless individuals who are not helped directly by the C3H plan.

Mr. Flacks responded that the hope was to collaborate with other organizations to bring in the finances necessary to be able to work with the entire homeless population.

5. PACIFIC CHRISTIAN CENTER APPEAL OF THE PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT ALLOWING THE SALE OF ALCOHOL AT THE CHEVRON STATION AT 3580 SANTA MARIA WAY. The City Council considered an appeal, by Pacific Christian Church, of the Planning Commission's approval of a Conditional Use Permit (CUP). Community Development Director Ng gave a presentation as detailed in the Council Agenda Report. The project site is located at 3580 Santa Maria Way on the corner of College Drive. Chevron Corporation owns and operates the gas station and mini-market. The business is open 24 hours a day, 7 days a week. Should they start selling alcohol, sales would be prohibited between 2:00 a.m. and 6:00 a.m. On November 10, 2016, staff facilitated a meeting between Chevron and the Church. Church representatives expressed concern regarding easier access to alcohol resulting in intoxicated persons on their grounds and potential effects on persons in their recovery programs.

On December 20, 2016, Pastor Bloom submitted a letter to staff opposing the proposed beer and wine sales. Based on the Police Department's lack of data linking alcohol sales at gas stations to increased alcohol-related incidents, and on the merits of Chevron's corporate management, staff gave a neutral recommendation to the Planning Commission.

On January 25, 2017, the Planning Commission approved the CUP to allow the sale of beer and wine at the Chevron Station located at 3580 Santa Maria Way on a 4-1 vote with Commissioner Seifert voting against the CUP. No one from the public spoke at the Planning Commission meeting during the item. The Planning Commission approved the permit based on the fact that Chevron was corporately managed (including training and security); alcohol sales would be limited; there were no reported incidents that would support denying the request; the nearest retail location that would sell alcohol was one mile away; the vacant commercial site across from the Chevron could develop with retail uses that sell alcohol without a permit; and the Planning Commission could always revoke the permit if any future issues arose. On February 2, 2017, Pacific Christian Center appealed the decision.

Councilmember Waterfield indicated that she had ex-parte communications with representatives of Chevron and Pacific Christian Church. She also disclosed that she was a parishioner of the church, not a voting member on the church's board, that she did not have a financial interest in the matter, and indicated that she could be unbiased in making a decision with regard to the item.

Councilmember Boysen asked why the permit was necessary for Chevron given that the vacant site would not require a permit to sell alcohol. He also asked if there were any rules regarding alcohol sales near schools. He disclosed that he had ex-parte communications with representatives of Chevron.

Community Development Director Ng responded that the Chevron station was situated in a Freeway Service district which requires gas stations to be permitted if they sell alcohol. In addition, although some cities have regulations on stores that sell alcohol and their distance from schools, the City of Santa Maria did not have a distance requirement.

Councilmember Moats asked if it was true that no other gas stations in the City of Santa Maria sold alcohol and if any other gas stations had requested CUPs to do so.

Community Development Director Ng responded that no other Santa Maria gas stations sold alcohol. One gas station had made the request in 2004 and the Planning Commission denied the request.
Councilmember Cordero indicated that he had ex-parte communications with representatives of Chevron and Pacific Christian Church.
Mayor Patino disclosed that she had ex-parte communication with representatives of Chevron.

Appellant's Comments
Pastor Rick Bloom, with Pacific Christian Center, indicated his primary concern was the more than 400 children attending the Church's primary and elementary school. He said the church was already having problems with transients visiting the church during the day and speaking inappropriately in front of the children. He cited concern over youth groups that meet at the church on Wednesday nights who also frequent the Chevron station mini-mart. He stated he had done some research and learned that there were no stations along the Hwy 101 corridor selling liquor in Santa Barbara County. He also cited recent alcohol-related deaths near the church.

Applicant's comments
Juliet Don, Public Affairs Manager with Chevron, introduced Tom Dutton (Security Advisor), Maria Palomino (Station Manager at the Chevron station being discussed), Luke Whitman (Business Consultant) and Gary Semling with Stantec (the project architect). Ms. Don explained that her primary responsibility on the Central Coast was to support Chevron's local projects and community grants in the Santa Maria area. She requested that the Council uphold the Planning Commission's approval of the CUP for the convenience of Chevron customers. She also requested that Council determine that none of the Planning Commission's findings were in error. Ms. Don described the station as being on a 1.4 acre site with 4 gas dispensers and 10 parking spaces. Two refrigerator doors in the mini-mart would have alcohol with locks to be used when alcohol was not being sold. There would be no advertising indicating that beer or wine were being sold. Ms. Don emphasized that Chevron Stations, Inc., maintains security protocols and policies with security and crime prevention. They work with local law enforcement and use 24-hour video surveillance and crime deterrence. Employees are trained and Chevron conducts security reviews. The station would have signs posted prohibiting open containers, consumption of alcoholic beverages on premises, and loitering. Chevron met with the church and offered to limit sales on Wednesdays during youth group meetings, as well as install additional security cameras. Chevron operates about 300 stations, some near schools, without incident. The Chevron stations in Carpinteria and Santa Barbara sell alcohol along Hwy 101.

Councilmember Waterfield asked how many corporate-owned Chevron gas stations there were in the City of Santa Maria.

Ms. Don responded that this was the only one.

Written communications
Chief Deputy City Clerk Garietz indicated that two written communications were received. One from the Santa Maria Valley Chamber of Commerce in support of the Planning Commission's decision to approve the CUP, and one from David Baskett in opposition of the approval to allow the Chevron Station to sell beer and wine.

Public hearing
Mayor Patino opened the public hearing at 7:42 p.m.

There were no speakers in support of the CUP.

Lynne Plunkett, Maureen Calderwood, Richard Marangi, David Baskett, Joyce Gameson, David Bixby, Sue Griffin, Daniel Maggio, Raydell Snowden, Jesse Ritenour, Calvin Nash, Corrine Klein, Gayle Nunez, Gloria Lopez, Angela Flores, Larry Farewell, Moses Aguirre, Pastor Robert Palmer, Roy Reed, Betty Baxter, Sylvia Marquez, and Jim Bull spoke in opposition of the CUP citing concern for the students at the school, current issues with loitering at the church, and the fact that the church sits on County property which would require a call to the County sheriff should trouble arise.

Mayor Patino closed the public hearing at 8:10 p.m.

Council discussion
Councilmember Cordero commented on how professional Chevron staff was during his meeting with them. He also expressed his respect for the speakers during the public hearing. He pointed out that previous Santa Maria City Councils had all ruled against similar requests in past years and he gave several examples of why he would not support the Planning Commission's approval of the CUP, such as following the purchase of alcohol entering the highway and drinking while driving.

Councilmember Boysen commented that he did not want to over-regulate businesses, but if alcohol sales were not permitted in other City gas stations, he thought it was important to stay consistent. He suggested the creation of an ordinance prohibiting alcohol sales in gas stations.

Mayor Patino indicated that State law did not allow jurisdictions to enact ordinances that prohibit alcohol sales at gas stations.

Councilmember Moats commented that each individual gas station has the option to apply for a CUP to sell alcoholic beverages. He expressed concern that if the Council approved this CUP, other gas stations might start requesting the same. He also pointed out that the Council must find that the Planning Commission's findings were in error. He asked Police Chief Martin for his input.

Police Chief Martin indicated that 504 people were arrested for alcohol-related incidents in the City last year. He pointed out that many times reported crimes do not mention that alcohol is related, but it is frequently involved.

Councilmember Cordero asked Police Chief Martin if there was still a trend of younger people purchasing alcohol and leaving the scene quickly or asking older individuals to purchase alcohol for them.

Chief Martin responded that those incidences still occurred regularly.

Councilmember Waterfield commented that her concern was the proximity of the freeway and the potential for alcohol-related issues.

Councilmember Boysen asked Director of Community Development Ng if staff would be able to bring back findings that were satisfactory to Council should they overturn the Planning Commission's decision.

Director of Community Development Ng responded that the findings were included with one of the two resolutions on the item.

Mayor Patino commented that she and her husband had owned a business that was near a liquor store and she recalled there had been a lot of daily issues. She said she did not think the sale of alcohol at the Chevron was compatible with the church and school across the street.

Councilmember Boysen stated that while he was agreeable to going forward overturning the Planning Commission's decision, he was concerned that the Council had not determined there was error in their findings.

City Attorney Trujillo commented that when the Planning Commission reviewed the item, no one from the public had spoken during their meeting. Thus they were not privy to the public testimony and personal observations that had been presented to the Council. This input supported the determination of error in the Planning Commission's findings.

Motion was made by Councilmember Waterfield to adopt Resolution No. 2017-36, overturning the Planning Commission's approval of the Conditional Use Permit at 3580 Santa Maria Way, seconded by Councilmember Cordero, and carried on the following vote: 5-0

AYES:	Councilmembers Boysen, Cordero, Moats, Waterfield, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

REPORT BY CITY MANAGER:
Deputy City Manager Stilwell reported that the next formal Public Hearing regarding district composition for District-based Elections would be held at a Special City Council meeting on March 30th, at 5:30 p.m., at the Veterans' Memorial Community Center. A demographer will be present to solicit input from the public to create district boundary maps. Mr. Stilwell reported the next regular City Council Meeting would be April 4th and would include several proclamations, a presentation of the Award for Budget Excellence, a number of Consent Agenda items, and the Annual CDBG Action Plan public hearing.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS):
Councilmember Boysen indicated that he had no reportable meetings.

Councilmember Waterfield reported that she attended the Joint Chamber Luncheon with the City of Lompoc at Vandenberg Air Force Base; the Policy Council meeting for C3H; the Boys & Girls Club's Annual Balloons Tea; and a meeting with the "Those Who Have Served" Veterans group.

Councilmember Moats reported that he attended the Airport District Quarterly Meeting.

Councilmember Cordero reported that he attended the C3H Policy Council Meeting. He added that he has requested data from the group regarding homeless individuals who leave their housing situation and end up back on the streets for whatever reason. He also attended a meeting at the Police Department to hear Community Development Director Ng speak; a meeting with Chevron representatives; Santa Maria-Bonita School District's Technology Exhibit; a Latino Club rally at Righetti High School; and the Veterans' Display in Solvang.

Mayor Patino reported that she attended the Quarterly Schools Meeting; the Joint Chamber Luncheon with the City of Lompoc at Vandenberg Air Force Base; a Black Road Intersection Improvement meeting; the semi-annual Police Department Update meeting; a meeting with Central Coast Motor Sports; a meeting with the Scholarship Foundation of Santa Barbara; the 100th Anniversary Celebration of Altrusa International; the Chamber of Commerce Transportation Committee meeting; the Airport District Quarterly Meeting; spoke at the Ministerial Association meeting; attended the Breakfast Rotary meeting; the SBCAG monthly Board meeting; the APCD Board meeting; Santa Maria-Bonita School District's Technology Exhibit; a Kiwanis Mixer; the Elks Rodeo Challenge of Champions Steering Committee meeting; a meeting with Chevron representatives; and spoke on the Ben Heighes Radio Show.

CLOSED SESSION:
The City Council recessed to a Closed Session at 8:39 p.m. regarding existing litigation pursuant to Section 54956.9(1)(d) of the Government Code. Michael Janikowski v. City of Santa Maria, Workers' Compensation Case No. ADJ3633539. Agency representative: City Attorney.

CLOSED SESSION REPORT:
Following the Closed Session, Assistant City Attorney Mollenkopf announced there was no reportable action taken.

ADJOURNMENT:
There being no further business before the City Council, Mayor Patino declared the City Council meeting adjourned at 8:47 p.m.

APPROVED:

April 4, 2017
Date

Rhonda M. Garietz, CMC
Chief Deputy City Clerk and ex-officio Clerk of the City Council

ATTEST:

Rhonda M. Garietz, CMC
Chief Deputy City Clerk

Alice M. Patino
Mayor of the City of Santa Maria